

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #06-165(E)

DIGEST

Temporarily amends 312 IAC 9 with respect to the taking of lizards at Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area. Under IC 4-22-2-37.1, IC 14-22-2-6, and IC 14-10-2-5, the director of the department of natural resources adopts the temporary rule set forth in this document. The temporary rule is adopted with the awareness that regulation of wild animals in Indiana is the responsibility of the department of natural resources. The director is responsible for adopting temporary rules under IC 14-22-2-6 to manage wild animals in Indiana or in a designated part of Indiana. In addition, the director is responsible for controlling wild animals in a state park. Based upon the opinion of professional biologist, the director has determined the European wall lizard (*Podarcis muralis*) will cause obvious and measurable damage to the ecological balance at Falls of the Ohio State Park. The ecological balance will not be maintained unless action is taken to control the population of the European wall lizard at the Falls of the Ohio State Park and at the adjacent federal Falls of the Ohio Wildlife Conservation Area. Native species of lizards and skinks are at risk of displacement by the European wall lizard, and other disruption of the ecological balance in this area is probable. Additionally, unless controlled, the European wall lizard is likely to expand its range and endanger the ecological balance at other sites in Indiana and elsewhere in the United States. Effective June 16, 2006.

SECTION 1. (a) Notwithstanding 312 IAC 9-2-11, 312 IAC 8-2, and any other provision governing taking of a wild animal in a state park or otherwise in Indiana, an individual qualified under this SECTION may take any European wall lizard (*Podarcis muralis*) from the Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area, Clarksville, Indiana.

(b) In order to qualify under subsection (a), an individual must do each of the following:

- (1) Possess a written authorization from the division of state parks.**
- (2) Comply with any terms in the written authorization. These terms shall include a requirement that a European wall lizard can be taken only with an approved trap or traps.**
- (3) For the federal Falls of the Ohio Wildlife Conservation Area, comply with any other terms in the written authorization that are required by the U.S. Army Corps of Engineers.**

(Filed with the Secretary of State on June 1, 2006 at 10:15 a.m., EDT)